

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**EDIBLE ARRANGEMENTS, LLC**, a  
Connecticut limited liability company, and  
**EDIBLE ARRANGEMENTS  
INTERNATIONAL, LLC**, a Delaware  
limited liability company,

*Plaintiffs,*

v.

**ADMARKETPLACE, INC.**,

*Defendant.*

Case No. 1:14-mc-00308-P1

**NOTICE OF WITHDRAWAL OF PLAINTIFF'S  
MOTION TO COMPEL THIRD-PARTY  
ADMARKETPLACE TO RESPOND TO  
SUBPOENA *DUCES TECUM*  
WITHOUT PREJUDICE**

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Plaintiffs Edible Arrangements, LLC and Edible Arrangements International, LLC, by and through their attorneys, Brooks Kushman P.C., hereby withdraw their Motion to Compel Third-Party AdMarketplace to Respond to Subpoena *Duces Tecum* without prejudice.

Respectfully submitted,

/s/ Rebecca J. Cantor

REBECCA J. CANTOR (RC 7631)

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Dated: October 17, 2014

KEVIN WALSH (Fed. Bar. No. ct02116)  
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*Attorneys for Plaintiffs*

**CERTIFICATE OF ELECTRONIC SERVICE**

I hereby certify that on October 17, 2014, I electronically filed the foregoing **NOTICE OF WITHDRAWAL OF PLAINTIFF'S MOTION TO COMPEL THIRD-PARTY ADMARKETPLACE TO RESPOND TO SUBPOENA *DUCES TECUM* WITHOUT PREJUDICE** with the Clerk of the Court for the Southern District of New York using the ECF System which will send notification to the registered participants of the ECF System as listed on the Court's Notice of Electronic Filing.

I also certify that I have mailed by United States Postal Service the paper to the following non-participants in the ECF System:

Peter Chiaro  
Adam Epstein  
adMarketplace, Inc.  
3 Park Avenue, 27<sup>th</sup> Floor  
New York, NY 10016

and

Erin M. Hickey  
Lisa M. Martens  
Fish & Richardson P.C.  
12390 El Camino Real  
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**BROOKS KUSHMAN P.C.**

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